

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)	Mail Stop Issue Fee
)	
Jan SWERUP et al.)	Group Art Unit: 2614
)	
Application No.: 10/576,474)	Examiner: A. Jamal
)	
Filed: April 20, 2006)	
)	
For: MESSAGE HANDLING IN)	
PORTABLE COMMUNICATION)	
DEVICE)	

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT

U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Issue Fee
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

Applicants request adjustment of the patent term adjustment (PTA) calculated by the Office.
The Office calculated the PTA as follows:

USPTO Delay (days): 948
Three Years: 481
Applicant Delay: 32
Total Patent Term Adjustment (days): 916

Applicants respectfully submit that the method used to calculate the PTA above does not conform to the ruling in Wyeth v. Kappos, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

The correct calculation of the PTA is as follows:

USPTO A Delay (days): 467

Three Years B Delay: 624

Applicant Delay: 32

Overlapping Time: 0

Total Patent Term Adjustment (days): 1,059

In this case, the Office has not credited the Applicants with a correct Three Years PTA under 35 U.S.C. § 154(b)(1)(B).

Therefore, Applicants respectfully request that the patent term be adjusted by a number of additional days to account for the Three Years delay under 35 U.S.C. § 154(b)(1)(B). The total number of additional days for the Three Years delay should be the number of days from the date of filing to the date of issuance minus three years. The total PTA should be the USPTO Delay of 467 days plus the Three Years Delay minus the Applicant Delay and Overlapping Time (overlapping time of USPTO Delay and Three Years Delay).

The above-referenced application is not subject to a Terminal Disclaimer.

Enclosed is the fee of \$200 pursuant to 37 CFR 1.18(e). Please charge any deficiencies or apply any credits to Deposit Account No. 50-1070.

Respectfully submitted,

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